

Law Offices of Patrick J.S. Inouye

810 Third Avenue, Suite 258
Seattle, Washington 98104
Telephone: (206) 381-3900
Facsimile: (206) 381-3999

RECEIVED
CENTRAL FAX CENTER

OCT 11 2004

Facsimile Transmittal

To:	Examiner Jeffrey R. Jastrzab Art Unit: 3762	Fax:	(703) 872-9306
From:	Patrick J.S. Inouye <i>[Signature]</i>	Date:	October 11, 2004
Re:	U.S. Patent Application Serial No. 10/646,083	Pages:	8 (including cover sheet)
CC:			
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

Notes:

Examiner Jastrzab:

Please find attached the following documents regarding the above-identified U.S. patent application.

- USPTO Transmittal Form
- USPTO Fee Transmittal Form
- Credit Card Payment for \$220.00
- Office Action Response
- Terminal Disclaimer To Obviate A Double Patenting Rejection Over Prior Patents
- Terminal Disclaimer To Obviate A Double Patenting Rejection Over Pending Second Application

Notice: The information contained in this facsimile is privileged and confidential information protected by the attorney-client privilege and is intended only for the use of the above-named recipient. If you are not the intended recipient, or a person responsible for delivering this facsimile to the intended recipient, any distribution or copying is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the facsimile to the above-indicated address by mail.

*Received in
CF. 10-12-04*

PTO/SB/21 (04-04)

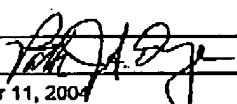
Approved for use through 07/31/2008. OMB 0651-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/646,083
	Filing Date	August 22, 2003
	First Named Inventor	Bardy, Gust H.
	Art Unit	3762
	Examiner Name	Jeffrey R. Jastrzab
Total Number of Pages in This Submission	Attorney Docket Number	020.0344.US.CON

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Law Offices of Patrick J.S. Inoue
Signature	
Date	October 11, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Krysztyna Szul		
Signature		Date	October 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Response to First Office Action
Docket No. 020.0344.US.CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER**

OCT 11 2004

5 *In re* Application of)
Gust H. Bardy) Group Art Unit: 3762
Serial No. 10/646,083) Examiner: Jeffrey R. Jastrzab
Filed: August 22, 2003)
10 For: System And Method For Providing)
Feedback To An Individual Patient For)
Automated Remote Patient Care)

15

RESPONSE TO FIRST OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
20 Alexandria, VA 22313-1450

Examiner Jastrzab:

In response to the Office action mailed on September 29, 2004 for the
above-referenced patent application, please consider the following remarks.

25 Claims 1-32 are pending. No claims have been amended. Claims 1-32
remain in this application. No new matter has been entered.

Claims 1-32 stand rejected under the judicially created doctrine of
obviousness-type double patenting over Claims 1-23 of commonly-assigned U.S.
Patent No. 6,203,495 ('495), Claims 1-62 of commonly-assigned U.S. Patent No.
30 6,312,378 ('378), Claims 1-15 of commonly-assigned U.S. Patent No. 6,331,160
('160), and Claims 1-19 of commonly-assigned U.S. Patent No. 6,478,737 ('737).

A Terminal Disclaimer is enclosed disclaiming the terminal part of any
patent granted on the instant patent application that would extend beyond the
expiration dates of the '495, '378, '160, and '737 patents. Withdrawal of the
35 rejection for double-patenting is respectfully requested.

Claims 1-32 stand provisionally rejected under the judicially created
doctrine of obviousness-type double patenting over Claims 1-23 of co-pending
U.S. Patent Application No. 10/646,084, filed on August 22, 2003.

OA Response

- 1 -